



City of Highland

Department of Community Development Building & Zoning Division

City of Highland Combined Planning and Zoning Board Minutes of the March 5, 2014 Meeting

Chairperson Korte called the meeting to order at 7:00 p.m. Members present were Gallatin, Harlan, Koehnemann, Lodes, Painter, and Korte. Vance was absent. Also present were City Attorney Long, Chief Building & Zoning Official Limestall, and Recording Secretary Walter. Six citizens were present.

Minutes

The minutes of the December 4, 2013 meeting were approved with no corrections or additions. Painter abstained.

Public Comment

Chairperson Korte opened the Public Comment section. Hearing no comments the Public Comment Section was closed. All attendees wishing to speak were sworn in.

Public Hearing

Chairperson Korte opened the Public Hearing section for a 10' foot rear lot line variance request at 145 Northview Dr. by Jacob Sunrooms & Exteriors, 9723 W State Rt 161 Fairview Heights IL, representing Michael Tebbe 145 Northview Dr Highland IL. Clifford Moore (Jacob Sunrooms) and Michael Tebbe were present to answer any questions. Limestall explained the request by Jacob Sunrooms for Michael Tebbe would allow construction of a 14' x 16' sunroom over an existing patio at the rear of the house. The rear lot line setback requirements are 20' from the rear property line and the sunroom addition would encroach into the set back by 8'. Tebbe's property abuts the Highland City Cemetery; there is also a utility easement at the rear of the property. There were no objections from the neighbors. Mike Tebbe, 145 Northview Dr. Highland IL stated he had the utilities in that area moved about 10 years ago so there would not be a problem there. Korte questioned if the fence at the rear of the property is on the property line. Limestall stated yes, the City installed the fence on the property line a few years ago. Harlan questioned how much room would be between the sunroom addition and the fence. Tebbe stated approximately 12 ft.

Hearing nothing further Chairperson Korte closed the Public Hearing. Limestall stated the City recommends approval of the variance request as submitted. Motion made by Gallatin to recommend approval of the variance for Michael Tebbe. Seconded by Harlan. Chairperson Korte opened the discussion. Gallatin questioned if other property owners in this subdivision have similar issues. Limestall stated not on this side of the subdivision. Korte closed the discussion.

Roll call taken. All voted yes. Motion carried.

Discussion

Chairperson Korte opened the discussion regarding Zero Lot Lines. Limestall explained Mayor Michaelis received a letter from Ron Clarkin, Home Owner Association President for Prestige Estates, outlining the difficulties homeowners in that subdivision have selling or re-financing their homes due to the condominimization of the duplexes in the subdivision. Limestall stated the City does not allow zero lot lines for condominiums, the City does not enforce covenants, and the developer recorded the plat as a condominium plat without the City's knowledge. The County is not required to notify the City of the recording. Financial institutions are more strict on lending practices and do not want to finance this type of property. City staff is looking to the Board for direction and suggests possibly forming an Advisory Board. A lengthy discussion ensued regarding maintenance responsibility, separation of utilities, common walls. Korte stated this is a very complex issue with a lot of variables. Korte would like written documentation from a financial institution and an insurance company outlining the issues. Korte doesn't see how it's the City's problem since the subdivision was not platted as originally submitted to the City.

William Twyford, 180A Field Crossing Dr Highland IL asked the board what the definition of a condo was. He is paying separate taxes, utilities, and insurance on his portion of the structure. Korte replied the tax assessor looks at the use not the zoning of the property. Painter stated the real battle seems to be between the banks and the insurance companies. Twyford replied this is where the City needs to address the issue and correct it. Limestall stated the real issue is that the County does not require the City to sign off on Condo Plats. Attorney Long stated that a letter from the insurance company and bank is good regarding condos, villas, etc but if there is no difference there's no sense in the City continuing with the process. Clarkin and Twyford are both willing to contact companies and have letters sent to Building & Zoning on this issue to review.

Hearing nothing further Korte closed the discussion.

Adjournment at 8:13 PM.